

18 July 2016

The General Manager
Ashfield Council
PO Box 1145
Ashfield NSW 1800

Attention: Brian Kirk

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – 10.2015.202
2-32 Smith St, Summer Hill**

I refer to the above development application requiring RailCorp's concurrence in accordance with clause 86(1) of the above SEPP.

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its concurrence function under the above SEPP has been delegated to Sydney Trains.

Sydney Trains advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

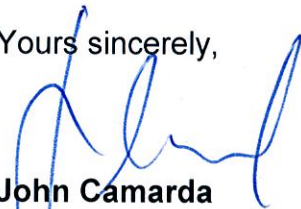
In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application 10.2015.202 subject to Council imposing the deferred commencement condition provided in Attachment A and operational conditions listed in Attachment B that will need to be complied with upon satisfaction of the Deferred Commencement Condition.

Should Council choose not to impose the deferred commencement condition in Attachment A and the operational conditions provided in Attachment B (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 97A of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Should you have any enquires about this matter further please contact Mr Jim Tsirimiagos on 8575 0780. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,



John Camarda
A/General Manager Property

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 1. An FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor. The analysis is required to predict ground movements associated with the proposed shoring system.*

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Operational Conditions

B1. Unless amendments are required by Sydney Trains as part of the review and approval/certification of the documentation listed in deferred commencement condition A1 and/or condition B2 below, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- *Geotechnical Investigation prepared by Douglas Partners (Ref:85097.02) dated January 2016.*
- *Stage 3 Cover Sheet - Drawing No. C.300 Revision C, dated 17/05/2016, prepared by James Taylor & Associates.*
- *Stage 3 Excavation Plan - Drawing No. C.303 Revision C, dated 21/03/2016, prepared by James Taylor & Associates.*
- *Stage 3 Piling Elevation Sheet 1 - Drawing No. C.304 Revision B, dated 21/03/2016, prepared by James Taylor & Associates.*
- *Stage 3 Capping Beam Reinforcement Plans - Drawing No. C.305 Revision B, dated 21/03/2016, prepared by James Taylor & Associates.*
- *Stage 3 Piling Elevation Section P1 - Drawing No. C.306 Revision B, dated 21/03/2016, prepared by James Taylor & Associates.*
- *Stage 3 Piling Elevation Section P2 - Drawing No. C.307 Revision B, dated 21/03/2016, prepared by James Taylor & Associates.*
- *Stage 3 Piling Sections Sheet 1 - Drawing No. C.308 Revision C, dated 17/05/2016, prepared by James Taylor & Associates.*
- *Stage 3 Piling Sections Sheet 2 - Drawing No. C.309 Revision C, dated 17/05/2016, prepared by James Taylor & Associates.*
- *Flood Wall Details Sheet 1 - Drawing No. C.510 Revision D, dated 17/05/2016, prepared by James Taylor & Associates.*

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that the documentation listed in this condition have not be superseded with the approval/certification of documentation in compliance with the deferred commencement Condition A1 and/or Condition B2 below. Should Sydney Trains advise that any of the documentation listed in this condition have not been superseded, then the measures detailed in those specific documents are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

B2. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- *Ground movement monitoring plan*
- *The shoring supporting the rail corridor shall be designed for "at rest" pressures. A surcharge loading should also be nominated.*

- A Structural Report containing (as a minimum) an outline of the site constraints, the design approach, assumed design criteria, structural analysis (summary at least) and design outcomes (summary at least).
- Revised Drawing No. C.300 that includes minimum required curing times for concrete elements under the construction sequence.
- Revised Drawing No. C.308 that:
 - Indicates how N12-600 galvanised bars are connected to piles (Section 3).
 - Includes details of anchors currently shown as "TBA".
 - Indication of distances/dimension between rail the boundary and nearest building/shoring element.
 - Provision of surface and subsurface drainage details.
- Revised Drawing No. C.309 that:
 - Includes details of anchors currently shown as "TBA".
 - Indication of distances/dimension between rail the boundary and nearest building/shoring element.
 - Provision of surface and subsurface drainage details.
- Provision of notes sheet indicating concrete grade, cover to reinforcing and bar lap lengths for all concrete shoring elements.
- Demonstration that there will be no change in the direction or quantity of surface water flows within the rail corridor.
- Revised construction methodology addressing the following items:
 - As the development is more or less at grade with the corridor and immediately adjacent to corridor land, Section 2.1.11 does not contain enough detail when addressing environmental concerns such as spoil and spillage into the corridor.
 - In relation to Section 2.1.13 the light rail operator requires input as to the location of the monitors as well as receiving a copy of the results periodically.
 - Section 2.1.19 is to amend "Trans Dev" to Transdev and that they are the "light rail operator" and not the "light rail authority"
 - Construction methodology to mandate that there will be no access to the rail corridor. If required then this will be via Transdev approval.

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in deferred commencement condition A1 and/or condition B1. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

B3. All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

B4. No rock anchors/bolts are to be installed into Sydney Trains property.

B5. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- *Machinery to be used during excavation/construction.*

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

B6. Sydney Trains and Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

B7. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains, Transport for NSW or the light rail operator must be submitted to Council for its records.

B8. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the light rail operator Transdev and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

B9. A final acoustic assessment based on the final approved development is to be prepared in compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" and submitted to Council.

B10. A final Electrolysis Report based on the final approved development is to be prepared prior to the issue of a construction certificate. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

B11. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

B12. The design, installation and use of lights, signs and reflective materials, whether

permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the light rail operator confirming that this condition has been satisfied.

- B15. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains and the light rail operator for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains and the light rail operator confirming that this condition has been satisfied.*
- B16. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.*
- B17. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains and the light rail operator a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains and light rail operator requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains and the light rail operator confirming that this condition has been satisfied.*
- B18. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.*
- B19. Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains and the light rail operator prior to the fencing work being undertaken.*
- B20. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains and the light rail operator regarding the type of new fencing to be installed. The method of erection is to be to the satisfaction of Sydney Trains and the light rail operator prior to the fencing work being undertaken.*
- B21. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains and the light rail operator prior to the issuing of the Occupancy Certificate. The Principal Certifying Authority is not to issue an*

Occupation Certificate until written confirmation has been received from Sydney Trains and the light rail operator advising that the maintenance plan has been prepared to its satisfaction.

- B22. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from the light rail operator. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by the light rail operator in writing, scaffolding shall not be erected without isolation and protection panels.*
- B23. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B24. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains the light rail operator. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group and the light rail operator to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains and light rail operator written advice to the Applicant on the level of insurance required.*
- B25. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group and the light rail operator to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains and the light rail operator. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains and the light rail operator confirming the lodgement of this Bond/Bank Guarantee.*
- B26. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.*
- B27. All proposed new buildings shall have a minimum 900mm setback from the rail corridor boundary and/or easement. Prior to the commencement of works the Registered Surveyor shall clearly peg-out this setback to ensure there is no encroachment.*

- B28. *Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings shall indicate that there has been no encroachment into the rail corridor and that a 900mm setback has been provided for all new buildings. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B29. *No work (including the installation of sedimentation control) is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains, Transport for NSW and the light rail operator. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.*
- B30. *There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to the light rail operator for review and endorsement.*
- B31. *Where a condition of consent requires Sydney Trains, Transport for NSW and light rail operator endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with.*

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